

Lucy E. Salyer. *Under the Starry Flag: How a Band of Irish Americans Joined the Fenian Revolt and Sparked a Crisis over Citizenship.* Cambridge: Belknap Press of Harvard University Press, 2018. 316 pp. \$29.95, cloth, ISBN 978-0-674-05763-0.

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In May of 1867, a ship, *Erin's Hope*, approached the Irish coast. It had sailed from New York with a crew of forty-five Irish Americans. Their mission was to deliver weapons to Fenian rebels and assist in the complete overthrow of British rule in Ireland. As freedom fighters, these men proved to be woefully ineffective. The rebellion they had come to support had, unbeknownst to them, petered out weeks before, and the majority of them were quickly arrested as soon as they made landfall. But their ill-fated attempts at revolution had significant and far-reaching consequences, as they created a political maelstrom that redefined citizenship on both sides of the Atlantic.

This is the main argument of Lucy E. Salyer's excellent new book, *Under the Starry Flag: How a Band of Irish Americans Joined the Fenian Revolt and Sparked a Crisis over Citizenship*. Salyer demonstrates that the arrest and imprisonment of these rebels in Ireland raised fundamental questions about what it meant to be an American at precisely the moment that the United States was divided about who could claim to be a citizen. The central figure in Salyer's study is John Warren, an Irish immigrant who arrived in the United States in 1853 and ended up among the *Erin's Hope* crew members arrested in 1867. Salyer recounts War-

ren's life story to both explain what drove him and his comrades to become Fenian rebels and how their plight led to a diplomatic and legal standoff between the United States and the United Kingdom.

At the core of this debate was the concept of expatriation, or the idea that someone could renounce their allegiance to one state and claim citizenship of another. In the nineteenth century, most European powers adhered to the idea of permanent allegiance, meaning that even after immigrants claimed American citizenship, they remained monarchial subjects. British legal scholars rejected the idea of expatriation by quoting William Blackstone, who declared that fidelity to the Crown was "written by the finger of the law in their hearts" the moment subjects were born within a kingdom.[1] The United States, on the other hand, had been established on the principle that people could shed their loyalty to a monarch and instead choose a new national identity of their own free volition. This fundamentally different understanding of citizenship generated real tensions between the United States and the United Kingdom and played a role in the outbreak of the War of 1812.

The American government, especially Secretary of State William Seward, were troubled by the

British claim that they had the right to imprison naturalized American citizens in Ireland without trial on the basis that “once a subject, always a subject.” Tensions grew on both sides as Seward (through his reluctant ambassador in London, Charles Francis Adams) demanded that the Fenian prisoners either be tried or released immediately. Eventually, Congress passed the Expatriation Act of 1868, declaring that “the right of expatriation is a natural and inherent right of all people.” The British government released the prisoners and passed its own Naturalization Act of 1870, which abolished the concept of permanent allegiance. Salyer argues that this marked an important moment in the establishment of expatriation as a central aspect of the liberal-democratic concept of citizenship, although one that some twentieth-century governments were content to violate.

Salyer does a tremendous job of contextualizing the furor over the imprisoned Fenians within the wider conversation about citizenship in the United States in the 1860s. She shows how Irish and German immigrants insisted that their military service entitled them to a citizenship indistinguishable from native-born Americans, yet many protested vociferously against African Americans being recognized as citizens. Feminists like Susan B. Anthony lamented the fact that the Fourteenth Amendment defined citizenship in exclusively male terms, while women could be deprived of their nationality depending on their choice of husband. The questioning of the right of former Confederates to reclaim American citizenship or whether Chinese immigrants would ever be suitable for such status further highlight how the Fenian expatriation crisis did not take place in a vacuum.

Oddly, for a book that explores legal precision in relation to national status, Salyer is prone to using some inaccurate terminology. Throughout the book, she refers to “England” and “Britain” but almost never uses the actual name of the state she is discussing (the United Kingdom). She also states

that Ireland was a “dominion” of “England” (p. 61). Dominion status applied to Canada in the 1860s but not Ireland, which was (in theory at least) an indistinguishable part of the United Kingdom.

This aside, Salyer’s book succeeds admirably in demonstrating the vital role that Warren and his fellow Fenians played in establishing the right to expatriation. As Salyer observes, her contribution is timely given the outsized role that questions of citizenship have played recently in the election of Donald Trump and the onset of the Brexit crisis.

Note

[1]. William Blackstone, *The Oxford Edition of Blackstone's: Commentaries on the Laws of England*, bk. 1, *Of the Rights of Persons*, ed. David Lemmings (Oxford: Oxford University Press, 2016), 237.

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